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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/991,863

11/16/2001

John Francis Gordon

18950-70

1318

7590

06/07/2004

DONALD BOLLELLA,  
DB TECHNICAL CONSULTING  
126 ALMADOR  
IRVINE, CA 92614

EXAMINER

SMITH, ZANDRA V

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/991,863		GORDON, JOHN FRANCIS	
	<b>Examiner</b>		<b>Art Unit</b>	
	Zandra V. Smith		2877	<i>AS</i>

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 15 and 17-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-35 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 17, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 18-27 and 38-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: appropriate section headings. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15, 17 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Idemitsu Petrochemical (EP 417,305)*.

As to **claims 14, 15, 17, and 36**, Idemitsu Petrochemical discloses an analyzer of liquid sample and analyzing method, comprising:

providing a specimen support surface associated with a disk (col. 8, lines 1-15);

providing optically readable position and tracking encoded information to be read by an optical reader (col. 12, lines 5-15);

reading the encoded information with an optical reader (col. 12, lines 5-15); and

optically inspecting the specimen using a light source and a detector (col. 8, lines 1-15).

Additionally, Idemitsu Petrochemical provides the inclusion of multiple reading heads (col. 8, lines 38-40). It would have been obvious to one having ordinary skill in the art at the time of invention to provide multiple reading heads and thereby multiple detectors to allow reading of multiple samples simultaneously.

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In addition, Idemitsu Petrochemical provides multiple reading head, thereby providing multiple detectors (col. 8, lines 38-40) and separately measuring the outputs from the detectors in the measuring head (col. 10, lines 18-21).

As to **claim 37**, Idemitsu Petrochemical discloses everything claimed, as applied above, in addition optically readable encoded information (110, col. 12, line 4) is provided in conjunction with the optical disc.

***Allowable Subject Matter***

Claims 28-35 are allowable over the prior art of record.

Claims 18-27 and 38-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken alone or in combination, fails to disclose or render obvious, comparing outputs of the first and second detector output to produce a ratio, positioning one detector on one side of the disc and two detectors on the other side of the disc, or encoded information in a partially light-reflective and partially light-transmissive layer within the optical disc.

***Response to Arguments***

The examiner apologizes for the rejection of material previously indicated as allowable, however, Idemitsu Petrochemical provides multiple detectors and separate measuring. While it is true that Idemitsu Petrochemical provides multiple detectors in multiple measuring heads, applicant's claims do not preclude the addition of more than one light source.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

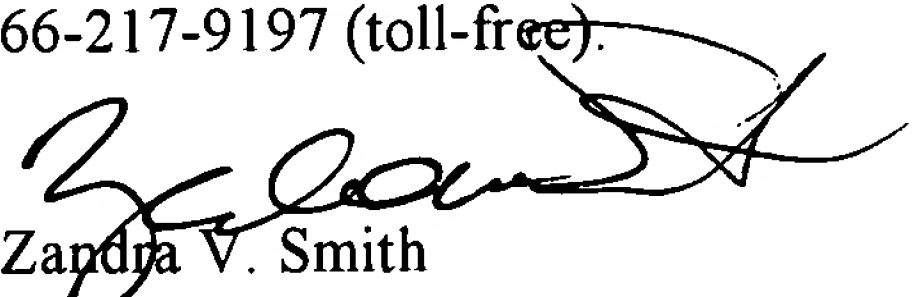
Tiffany et al. (5,508,200) provides a system for conducting multiple chemical assays that includes multiple measuring devices, separate detection, and an optical disc.

***Fax/Telephone Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zandra V. Smith whose telephone number is (571) 272-2429. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Zandra V. Smith  
Primary Examiner  
Art Unit 2877

May 28, 2004